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LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

PUBLIC NOTICE NO. MT-15-02
January 5, 2015

PURPOSE OF PUBLIC NOTICE

The purpose of this notice is to state the Department's intention to issue a General Permit as described in this notice and to hold a public hearing on the issuance of this permit. This permit is issued by the Department under the authority of 75-5-402, Montana Code Annotated (MCA); the Administrative Rules of Montana (ARM) 17.30.1301 *et seq.*, Montana Pollutant Discharge Elimination System (MPDES); and Sections 402 and 303 of the Federal Clean Water Act. The Water Protection Bureau has prepared a draft permit for the facility listed below. Copies of the draft permit, fact sheet and environmental assessment are available upon request from the Water Protection Bureau or on the Department's website www.deq.mt.gov.

APPLICANT INFORMATION

APPLICANT: Owners and Operators of Oil and Gas Production Facilities

FACILITY NAME: Oil and Natural Gas Production Facilities

FACILITY LOCATION: Statewide

RECEIVING WATER: Statewide Ephemeral Water Bodies

PERMIT NUMBER: MTG310000

The Montana Department of Environmental Quality (DEQ) proposes to renew the Montana Pollution Discharge Elimination System (MPDES) Produced Water General Permit (PWGP). This PWGP regulates the discharge of produced water from oil and gas production operations into ephemeral drainages of Montana state waters except for Indian Lands, National Parks, and the state waters in Rosebud Creek, Tongue, Powder, and Little Powder River watersheds. This PWGP only permits the discharge of produced water for beneficial use, specifically for wildlife and livestock watering. The permit includes effluent limits and has two prerequisites: a receiving water storage capacity self-evaluation to ensure discharge is contained in ephemeral drainages, and a water quality analysis to ensure the produced water is of high enough quality for wildlife and livestock watering.

On September 21, 2000, a U.S. District Judge issued an order stating that until all necessary total maximum daily loads under Section 303(d) of the Clean Water Act are established for a particular water quality limited segment, the State is not to issue any new permits or increase permitted discharges under the MPDES program. The order

was issued in the lawsuit Friends of the Wild Swan v. U.S. EPA, et al., CA 97-35-M-DWM, District of Montana, Missoula Division. DEQ finds that the issuance of this proposed permit does not conflict with the order because: 1) it is not a new permit; 2) it does not allow any increases in the level of pollutants in the discharges covered by the existing General Permit; (3) no discharge to state surface waters other than ephemeral drainages are authorized by this general permit.

PUBLIC COMMENT

Public comments are invited ANYTIME PRIOR TO CLOSE OF BUSINESS February 19, 2015. Comments may be directed to the DEQ Permitting & Compliance Division, Water Protection Bureau, PO Box 200901, Helena, MT 59620. All comments received or postmarked PRIOR TO CLOSE OF BUSINESS February 19, 2015 will be considered in the formulation of final determinations to be imposed on the permits. If you wish to comment electronically, you may e-mail Barb Sharpe at bsharpe@mt.gov.

A public hearing will be held on the draft wastewater discharge permit, the Fact Sheet, environmental assessment, and DEQ's tentative determination on **February 18, 2015, at 8:00 A.M. in Room 111 of the Lee Metcalf Building located at 1520 E. 6th Avenue in Helena, MT.**

The Department will respond to all substantive comments and issue a final decision within sixty days of this notice or as soon as possible thereafter. Additional information may be obtained upon request by calling (406) 444-3080 or by writing to the aforementioned address. The complete administrative record, including permit application and other pertinent information, is maintained at the Water Protection Bureau office in Helena and is available for review during business hours.

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